

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC. 20554

In the Matter of

)	
)	
Amendment of the Commission's)	RM-10330
Rules to Shield Electronics)	
Equipment Against Acts of War)	
Or Terrorism Involving Hostile)	
Use of Electromagnetic Pulse)	
(EMP))	

To: The Commission

REPLY COMMENTS
of Nickolaus E. Leggett

The following is a set of reply comments from Nickolaus E. Leggett. Mr. Leggett is one of the petitioners in RM-10330 that requests regulations for the protection of civilian communications equipment from electromagnetic pulse (EMP). Attorney Donald J. Schellhardt is relocating at this time and he will be active again shortly. These reply comments are in addition to our reply comments filed on November 30, 2001, December 21, 2001 and January 1, 2002. These previous reply comments are posted on the FCC's Electronic Comment Filing System (ECFS).

General Response

The telephone industry organizations that have commented on RM-10330 have stated that the existence of the Alliance for Telecommunications Industry Solutions (ATIS) standards means that the problem of electromagnetic pulse (EMP) is, in their opinion, well under control and this petition should be dropped. We have pointed out in previous reply

comments that there are serious questions about the ATIS standards as an effective response to EMP.

In addition, there are vital radio and communications activities that are not part of the telephone and related industries. These vital activities include:

- Public service communications (police, fire, hospitals, etc.)
- Aviation communications, navigation radio beacons, and radar (footnote 1)
- Global positioning system (GPS) receivers and satellites
- Marine radio communications and radar
- Railroad, pipeline, power line, and other industrial radio communications
- Broadcasting transmission and reception (AM radio, FM radio, VHF TV, and UHF TV, cable TV and radio)

These communications systems should be shielded from electromagnetic pulse attacks also. In many ways, these communications are just as important as telephone and data network service.

This fact indicates that there should be more than one Notice of Proposed Rulemaking (NPRM) proceeding for EMP. There should be at least one EMP NPRM for each major communications activity. Several EMP NPRMs would allow the public comments to focus specifically on the unique needs of each activity for EMP protection.

Amateur Radio

Several comments have been received in RM-10330 from amateur radio operators who are concerned about the potential costs of EMP protective technology. This situation can be accommodated by not including amateur radio in the initial proposed regulations for EMP protection. At a later date, the Commission can propose standards for commercially-

built amateur radio equipment. These could include a standard specifying that the equipment should be designed so that it can be repaired in the field, as well as appropriate shielding and bypassing standards. The issue of retrofitting amateur radio stations can be addressed at that time.

EMP and Anthrax Scenarios

The Commission's analysis of EMP situations would benefit from considering situations where two types of terrorist attack occur at the same time. For example, anthrax could be used to disable the U.S. Postal Service at the same time that EMP is used to disable electronic alternatives to the mail.

Homeland Defense

The President has committed the Nation to a war on terrorism. The Commission needs to respond vigorously and establish effective EMP protection for **all** aspects of communications as part of homeland defense.

Respectfully submitted,

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(1) We have filed a petition with the FAA proposing regulations for the protection of aviation electronics from electromagnetic pulse.

Service copies of these reply comments have been sent by United States Postal Service first class mail to:

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